

## REMARKS

In the Final Office Action for application 09/991,180, the Examiner rejected claims 1-33 as being anticipated or obvious in view of prior art. Original Claims 1-33 (which had been presented in the 09/991,180 application) have been cancelled. New claims 1-86 have been provided. Consideration of the new claims is respectfully requested in view of the following remarks.

### Consideration in view of Fowler et al.

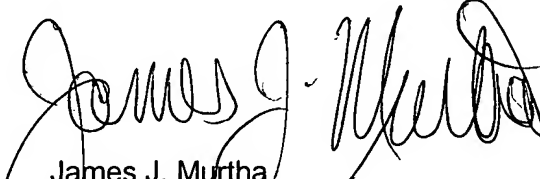
Claims 1-33 of application 09/991,180 were rejected as being obvious over Fowler. Fowler teaches a foaming solution that includes amphoteric and nonionic surfactants. Fowler's solution is essentially free of anionic surfactants, about 1.0% by weight. Fowler also teaches a foaming solution that is comprised of between 0.1% and 20% by weight and most preferably between 4% and 8% by weight of total surfactants.

The solution in accord with aspects of the present invention includes anionic, amphoteric and nonionic surfactants. The combination of the surfactants creates a solution in which the antimicrobial agent is soluble and foam generation is of good quantity and consistency. In accord with certain claims, the anionic surfactants comprise between about 7% by weight and about 22% by weight of the solution. This is significantly more than the teaching of Fowler. It is noted that the antimicrobial agents of the present invention are not soluble in other types of surfactants. Therefore, anionic surfactants are essential to the composition of certain aspects of the current invention. Further, other aspects of the invention are directed to a solution that contains a total surfactant concentration of between about 20.5% by weight and about 35% by weight. This is outside of the range taught by Fowler.

### CONCLUSION

The claims of the instant application are believed patentable over the art of record. Consideration of the claims is therefore respectfully requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned.

Respectfully submitted,



James J. Murtha  
Reg. No. 35,769

Becton Dickinson and Company  
1 Becton Drive  
Franklin Lakes, NJ 07417-1880  
201-847-7160  
#74795